

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

- against -

COLLECTOR'S COFFEE INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 1/30/2025

19-CV-4355 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Court, acting *sua sponte*, strikes the Response of Relief Defendant Veronica Kontilai ("V. Kontilai") (Dkt. Nos. 1599, 1599-1) to the Court's Order dated December 10, 2024. (December Order, Dkt. No. 1584). The December Order directed Plaintiff Securities and Exchange Commission ("SEC") to submit a revised disgorgement calculation that accounted for all of the payments from Collector's Coffee, Inc. ("Collector's Coffee") and Mykalai Kontilai ("Kontilai," together with Collector's Coffee, "Defendants") to investors after April 1, 2014. (December Order at 4.) The December Order permitted Defendants Kontilai and Collector's Coffee to file a reply on the narrow issue of Defendants' payments back to investors after April 1, 2014. (*Id.* at 4-5.)

The December Order did not, however, permit V. Kontilai to file a reply, let alone submit new calculations of business expenses that V. Kontilai paid on behalf of Collector's Coffee, which V. Kontilai attempts to do here. (See Dkt. Nos. 1599, 1599-1.) The Court hereby strikes V. Kontilai's submissions in response to the December Order for non-compliance with this Court's directive that only the SEC and Defendants Collector's Coffee and Kontilai were permitted to submit letters on the narrow issue of Defendants' payments back to investors. (December Order at 4-5.) See Jiaxing Leadown Fashion Co. v. Lynn Brands LLC, No. 21 Civ. 976, 2023 WL 3317905, at *3 (S.D.N.Y. May 9, 2023) (failure to comply with a Court's orders "may result in the Court rejecting the filing in its entirety or striking those portions that violate court rules or directives").

The Clerk of Court is hereby directed to strike Relief Defendant Veronica Kontilai's Response found at Dkt. Nos. 1599 and 1599-1 for non-compliance with this Court's Order dated December 10, 2024, found at Dkt. No. 1584.

SO ORDERED.

Dated: 30 January 2025
New York, New York



Victor Marrero
U.S.D.J.